

COUNTY OF HYDE

Board of Commissioners

Sharon Spencer, Chair
Dick Tunnell, Vice-chair
Darlene Styron
Barry Swindell
Anson Byrd

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
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Mazie Swindell Smith
County Manager

Fred Holscher
County Attorney



April 18, 2018

PUBLIC NOTICE

Hyde County Board of Commissioners And Hyde County Board of Equalization & Review

The Hyde County Board of Equalization & Review will meet on Monday, May 7, 2018 beginning at 5:00 p.m., in the Hyde County Government Center, Multi-Use Room, Swan Quarter and Ocracoke Community Center utilizing electronic conferencing equipment.

The regularly scheduled Board of Commissioners meeting will begin at 6:00 p.m. on Monday, May 7, 2018.

The recessed Board of Equalization & Review will re-convene on Monday, May 14, 2018 beginning at 5:00 p.m., in the Hyde County Government Center, Multi-Use Room, Swan Quarter and Ocracoke Community Center utilizing electronic conferencing equipment.

Lois Stotesberry
Deputy Clerk to the Board

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Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 7, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 7, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the May 7, 2018 Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING

MONDAY, MAY 7, 2018 – 6:00 PM

BOARD OF EQUALIZATION & REVIEW – 5:00 PM

In the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment.

REGULAR MEETING – 6:00 PM

In the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment.

CALL TO ORDER

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

1) April 2, 2018 – Regular Meeting Minutes

PUBLIC HEARINGS (none)

INTRODUCTIONS (none)

PRESENTATIONS

- 1) NC DOT Projects Jerry Jennings, Win Bridgers, Gretchen Byrum**
- 2) CDBG-DR Program Guidelines, Plans and Policies Chris Hilbert**
 - a. CDBG-DR Program Project Ordinance**
 - b. Resolution Approving Administrative Guidelines and Policies**
- 3) Liberty Home Care – Letter of Support Kris Noble**
- 4) Tram Contract Presentation Mgr. Rich**

EMPLOYEE RECOGNITION

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

ITEMS OF CONSIDERATION

1) Ordinances, Resolutions, Proclamations

- a. Proclamation – EMS Week – May 20 – 26, 2018 Justin Gibbs
 - b. Proclamation – Vulnerable Adult and Elder Abuse Awareness Months Kris Noble
 - c. Proclamation – Older Americans Month 2018 Kris Noble
 - d. Resolution – Opposing Reduction In Number of Judges – 2nd Judicial District Kris Noble
 - e. Resolution – Reimbursement Project Expenditures Mgr. Rich
- 2) Re-appointment to Hyde County Health Board Luana Gibbs
- 3) Request for New Positions with Inclusion in Hyde County 2018-19 Salary Plan Luana Gibbs
- a. Human Services Planner/Evaluator I
 - b. Licensed Clinical Social Worker – or – Licensed Professional Counselor
- 4) Revolving Loan Fund – Heilos’ Hide-Away Mgr. Rich
- 5) GovDeals – Surplus Property Corrinne Gibbs
- 6) Ocracoke Occupancy Tax Board Recommendations Mgr. Rich
- 7) Call for Public Hearing – FY2018-2019 Budget Mgr. Rich
- 8) Spending Freeze Corrinne Gibbs
- 9) Summer Flex Schedule Tammy Blake
- 10) Final Draft – DHHS Annual Written Local Agreement Laurie Potter
- 11) Letter to Congressman Walter B. Jones – Engelhard Post Office Mgr. Rich
- 12) Alligator Management Options Kris Noble
- 13) Consultant Contract Agreement – William D. Rich Attorney Holscher
- 14) County Manager Contract Agreement – Kristen C. Noble Attorney Holscher
- 15) FY2018-2019 Hyde County Budget Message Mgr. Rich
(Distribution of Proposed FY2018-2019 Budget)

BUDGET MATTERS

BUDGET MATTERS

1) Planning

a. Dues and Subscriptions \$ 600.00

2) Sheriff's Department

a. Uniforms \$ 5,500.00

3) Emergency Management

a. Expenses for Remainder of Fiscal Year \$ 2,500.00

4) Health Department

a. BR23-18 – Utilities through FYE \$ 3,900.00

b. BR24-18 – Postage through FYE \$ 75.00

c. BR25-18 – Medical Supplies though FYE \$ 792.68

5) Soil & Water

a. Travel & Training \$ 800.00

MANAGEMENT REPORTS

1) Hyde County Economic Update - Spring 2018 Kris Noble

2) Manager's Calendar Bill Rich

The Commissioners, County Manager and Assistant County Manager will share with the public their various activities and ideas for continuous improvement of government services to the citizens.

PUBLIC COMMENTS

The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

CLOSED SESSION (discussion and possible action if required)

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department (requires signature)**
- 2) Inspections**
- 3) Human Resources**
- 4) IT Department**
- 5) Health Department**
- 6) Department of Social Services**
- 7) Senior Center**
- 8) Soil & Water**
- 9) Cooperative Extension**
- 10) Airport**

Informational Items

- 1) Letter – Closeout CDBG 04-D-2709**
- 2) Letter from The Octagon House Restoration, Inc. (04-07-2018)**
- 3) Letter from the Hyde County Historical and Genealogical Society – Courthouse Bell**
- 4) Letter from NCDOT – US 264 Temporary Road Closure**
- 5) NCACC County Assembly Day**
- 6) NC Rural Center Invitation**
- 7) American Red Cross Blood Drive**
- 8) NC Department of Commerce – Low-Income Census Tracts**
- 9) Invitation to Opening Reception of 350 Years of the Albemarle Region Exhibit**
- 10) Orange County – Resolution Supporting 3DaysCount™**
- 11) Martin County – Resolution Opposing The Reduction In The Number of Judges
In The Second Judicial District**
- 12) McDowell County – Resolution Supporting A Statewide Referendum On A Bond Issue
For School Facility Needs**

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 7, 2018
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the April 2, 2018 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

1 Regular Meeting Minutes

2
3 **Board of County Commissioners**
4 **Hyde County**

5
6 **Monday, April 2, 2018**

7 After opening prayer by Vice-Chairman Swindell and Pledge of Allegiance, Chairman Earl Pugh, Jr. called the
8 Regular Meeting of the Hyde County Board of Commissioners to order at 6:00p.m., on Monday, April 2, 2018, in the
9 Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic
10 conferencing equipment.

11 The following members were present on the mainland: Chairman Earl Pugh, Jr.; Vice-chairman Barry Swindell;
12 Commissioners Tom Pahl, Ben Simmons and Dick Tunnell; County Manager Bill Rich, Assistant County Manager
13 Kris Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry; Deputy Clerk Justin Gibbs; and, members
14 of the public.

15 Teresa Adams operated the electronic conferencing equipment and members of the public were present on Ocracoke.

16
17 **Consideration of Agenda:**

18 Commissioner Simmons moved to approve the April 2, 2018 Board of Commissioners Regular Meeting Agenda as
19 presented by the Clerk with addition of No. 14 – NC-SOG Opioid Grant Application and No. 15 – Hyde County Audit
20 Contract. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell,
21 Tunnell and Simmons; Nays – None; Absent or not voting – None.

22
23 **Public Hearing:**

24 **Abandonment of Vessels In The Navigable Waters of Ocracoke Harbor**

25 Commissioner Swindell moved to open public hearing on Abandonment of Vessels In The Navigable Waters of
26 Ocracoke Harbor. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl,
27 Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

28 Commissioner Tom Pahl reported both the Ocracoke Planning Board and Waterways Commission have reviewed the
29 draft abandoned vessels ordinance and recommend Board of Commissioners approval. Mr. Pahl reported removal of
30 these abandoned vessels is very costly to the County.

31 **Bill Gilbert** of the Anchorage Marina on Ocracoke reported he is in favor of amending Chapter 26 of the Hyde
32 County Code to prohibit the abandonment of vessels in the navigable waters of Ocracoke Harbor, commonly known
33 as Silver Lake.

34 Hearing no further oral and/or written comments, Commissioner Swindell moved to close public hearing on
35 abandonment of vessels in the navigable waters of Ocracoke Harbor. Mr. Tunnell seconded the motion. The motion
36 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not
37 voting – none.

38 **Consideration of Minutes:**

39 **March 5, 2018 – Public Hearing Meeting Minutes – Offshore Oil Drilling**

40 Commissioner Tunnell moved to approve the March 5, 2018 Hyde County Board of Commissioners Public Hearing
41 Meeting Minutes on Offshore Oil Drilling as presented by the Clerk with correction on Page 1 – Line 21 – ~~Genny~~
42 Jenny. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell,
43 Tunnell and Simmons; Nays – None; Absent or not voting – none.

44 **March 5, 2018 – Regular Meeting**

45 Commissioner Pahl moved to approve the March 5, 2018 Hyde County Board of Commissioners Regular Meeting
46 Minutes as presented by the Clerk with correction on Page 3 – Line 35, 36 – a resolution to name ~~one of the two~~
47 ~~passenger ferries~~ a new vehicle ferry the Rodanthe. Mr. Simmons seconded the motion. The motion passed on the
48 following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

49 **March 13, 2018 – Joint Board of Commissioners and Board of Education Meeting**

50 Commissioner Swindell moved to approve the March 13, 2018 Hyde County Board of Commissioners and Board of
51 Education Joint Meeting Minutes as presented by the Clerk. Mr. Pahl seconded the motion. The motion passed on the
52 following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting –none.

53 **Presentations:**

54 **Hyde County FY2017 Audit**

55 Stewart Hill of Thompson, Price, Scott, Adams & Company, P.A. presented the FY2016-2017 Hyde County Audit
56 Report. The audit includes narrative overview and analysis of the financial activities of Hyde County for the fiscal
57 year ended June 30, 2017.

Financial Highlights

- The assets and deferred outflows of resources of Hyde County exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$38,433,269. (Net Position)
- The government's total net position decreased by \$224,049, due to decreases in net position in both the government and the business-type activities.
- As of the close of the current fiscal year, Hyde County's governmental funds reported combined ending fund balances of \$8,985,099, a decrease of \$85,490 in comparison with the prior year. Approximately 42.76 percent of this total amount, or \$3,841,780, is available for spending at the government's discretion (unassigned fund balance).
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$4,278,297, or 32.70 percent of total general fund expenditures for the fiscal year.

Government-Wide Financial Analysis – As noted earlier, net position may serve as one useful indicator of a government's financial condition. The County's assets and deferred outflows of resources exceeded its liabilities and deferred inflows of resources by \$38,433,269 as of June 30, 2017. The County's net position decreased by \$224,049 for the fiscal year ended June 30, 2017. One of the largest portions, 76.29%, reflects the County's net investment in capital assets (e.g. land, buildings, machinery and equipment). Hyde County uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although Hyde County's investment in the capital assets is reported net of the outstanding related debt, the resources needed to repay that debt must be provided by other sources, since the capital assets cannot be used to liquidate these liabilities. An additional portion of Hyde County's net position, \$3,560,289 represents resources that are subject to external restrictions on how they may be used. The remaining balance of \$5,553,935 is unrestricted.

The County's property taxes collection percentage of 95.73% is lower than the State-wide average of 98.72%, and is lower than the prior year rate of 95.86%.

Governmental Activities – decreased the County's net position by \$149,943. Key elements of this decrease are substantial increases of expenses in the Environmental Protection and Education functions.

Business-type Activities – decreased the County's net position by \$74,106. A key element of this was expenditures exceeding water revenues.

General Fund – is the chief operating fund of Hyde County. At the end of the current fiscal year, Hyde County's fund balance available in the General Fund was \$4,278,297 while total fund balance reached \$6,741,813. As a measure of the general fund's liquidity, it may be useful to compare both available fund balance and total fund balance to total fund expenditures. Available fund balance represents 32.70 percent of total General Fund expenditures, while total fund balance represents 51.53 percent of the same amount.

At June 30, 2017, the governmental funds of Hyde County reported a combined fund balance of \$8,985,099, a 0.94 percent decrease under last year. The primary reason for this decrease was expenses exceeding revenues in the governmental activities.

Hyde County's Total Debt - decreased by \$447,630 (5.52%) during the past fiscal year, primarily due to principal payments on existing general obligation bonds of \$144,243 and \$113,380, in the governmental activities and business-type activities, respectively. Additionally, there were repayments on qualified school construction bonds in the amount of \$200,180. A new capital lease was issued for \$35,050, and capital lease payments were made in the amount of \$6,877. Various other repayments were made to revenue bond debt.

The State of North Carolina limits the amount of general obligation debt that a unit of government can issue to 8 percent of the total assessed value of taxable property located within that government's boundaries. The legal debt margin for Hyde County is \$86,024,508.

Economic Factors and Next Year's Budgets and Rates – The following key economic indicators reflect the growth and prosperity of the County:

- Tourism is a major economic contributor to Hyde County especially on Ocracoke Island, which was named America's #1 beach in 2007.
- Ecotourism, including hunting, fishing and other more massive wildlife activities are major economic factors for Hyde County.
- Agriculture, governmental, hospitality (tourism) and seafood are the largest employees in Hyde County.

Request for Information

This report is designed to provide an overview of the County's finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to Corrinne Gibbs, Finance Officer, Hyde County, Swan Quarter, North Carolina 27885.

1 Tom Pahl and Ben Simmons discussed the reduction in revenue and drawing from the General Fund. Mr. Pahl
2 questioned over spending expenditures for the last two fiscal years. Mr. Simmons questioned the increase in tax rate
3 to \$0.73 to offset decline in valuation.

4 **Dementia Friendly County**

5 Jessica Gibbs, Nutrition Coordinator at Mattamuskeet Senior Center, reported Hyde County is attempting to become a
6 Dementia Friendly County. The Senior Center will reach out to businesses, local government, caregivers and many
7 others who encounter individuals who exhibit signs of dementia on a regular basis. The Senior Center has had
8 requests for a Dementia Support Group and/or a Caregiver Support Group. This program is working to keep dementia
9 citizens in their home longer and help the community to be more aware of their needs and understand their value.

10 • **Dementia Statistics**

- 11 ° More than 5 million people currently live with dementia
- 12 ° 1 in 10 people 65 and older has Alzheimer's Disease
- 13 ° 15 million Americans provide 18.2 billion hours of unpaid care to people living with Dementia
- 14 ° 60% of people with Dementia live at home and in the community
- 15 ° Nearly 90% of people over the age of 65 want to stay in their homes
- 16 ° 80% believe their current residence is where they will always live

17 **Senior Tar Heel Legislature**

18 Jan Moore, Hyde County NC Senior Tar Heel Legislature (NC STHL) Delegate, presented report on the March 13-14,
19 2018 STHL meeting in Raleigh. Ms. Moore reported the State's funding formula for Hyde County's aging population
20 is off track. The STHL recommends that the General Assembly make available \$5 million in the state budget to meet
21 the growing need for Adult Protective Services in North Carolina. During State Fiscal Year 2011-2012 of the North
22 Carolina General Assembly, \$2 million was eliminated from the state budget. This was the only state funding
23 allocated to support Adult Protective Services in 53 county Departments of Social Services. Resolution to correct
24 State funding will be presented to the Legislature in June, 2018.

25 **Public Comments:**

26 There being no comments from the public, Chairman Pugh continued the meeting.

27 **Items of Consideration:**

28 **An Ordinance Amending Chapter 26 of The Hyde County Code To Prohibit The Abandonment of Vessels In**
29 **The Navigable Waters of Ocracoke Harbor, Commonly Known As Silver Lake**

30 Tom Pahl, County Commissioner, requested Board support of an ordinance amending Chapter 26 of the Hyde County
31 Code to prohibit the abandonment of vessels in the navigable waters of Ocracoke Harbor. The Hyde County code is
32 amended by addition of Article 1 in Chapter 26 "Offences and Miscellaneous Provisions". Mr. Pahl reported the
33 language in the amendment is meant to be interim language. County Attorney Franz Holscher patterned the ordinance
34 against State legislature already adopted. Mr. Pahl asked that this ordinance be enacted now and then a mirrored/
35 revised version of the Brunswick County Ordinance, to meet the needs of Hyde County, be adopted by the Board of
36 Commissioners.

37 Commissioner Pahl moved to adopt "An Ordinance Amending Chapter 26 of The Hyde County Code To Prohibit The
38 Abandonment of Vessels In The Navigable Waters of Ocracoke Harbor, Commonly Known As Silver Lake". Mr.
39 Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and
40 Simmons; Nays – None; Absent or not voting – none.

41 *Clerk's Note: A copy of "An Ordinance Amending Chapter 26 of The Hyde County Code To Prohibit The Abandonment*
42 *of Vessels In The Navigable Waters of Ocracoke Harbor, Commonly Known As Silver Lake" is attached herewith as*
43 *Exhibit A and incorporated herein by reference.*

44 **Hyde County Hurricane Irene HMGP Re-scope, HMGP 4019-0023-R Budget Ordinance**

45 Kris Noble, Assistant County Manager, reported Hyde County has been awarded a supplemental Hazard Mitigation
46 Grant (HMGP) from FEMA (Hyde County HMGP 4019-0023-R). The grant funds the mitigation of properties
47 damaged by Hurricane Irene in 2011. The grant will be 100% funded with a federal contribution of \$1,228,280.

48 **Hyde County HMGP Re-scope, HMGP 4019-0023-R**

3 Units (Elevation)

2110 Puddin Hill Rd., Scranton
6458 Sladesville-Credle Rd., Scranton
2825 Lynnsburg Rd., Scranton

2 Units (Reconstruction)

4876 Loop Rd., Scranton
5555 Sladesville-Credle Rd., Scranton

1 (Acquisition)

4466 Loop Rd., Scranton

TOTAL Cost: \$1,228,280.00

1 Commissioner Swindell moved to adopt "Hyde County Hurricane Irene HMGP Re-scope ment, HMGP 4019-0023-R
2 Project Budget Ordinance" in the amount of \$1,228,280.00. Mr. Simmons seconded the motion. The motion passed
3 on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting –
4 none.

5 *Clerk's Note: A copy of "Hyde County Hurricane Irene HMGP Re-scope ment, HMGP 4019-0023-R Project Budget*
6 *Ordinance" is attached herewith as Exhibit B and incorporated herein by reference.*

7 **Hyde County FMA 2016 PJ-04-NC-2016-002**

8 Kris Noble, Assistant County Manager, reported Hyde County was awarded a FMA grant in 2017 to fund the
9 elevation of two homes with multiple occurrences of flood damage. The grant will be 100% funded with a federal
10 contribution of \$275,646.00. The homes are located at 570 Hwy 45, Swan Quarter and 265 Roper Lane, Engelhard.

11 Commissioner Pahl moved to adopt "Hyde County FY2016 FMA PJ-04-NC-2016-002 Project Budget Ordinance" in
12 the amount of \$275,646.00. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes –
13 Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

14 *Clerk's Note: A copy of "Hyde County FY2016 FMA PJ-04-NC-2016-002 Project Budget Ordinance" is attached*
15 *herewith as Exhibit C and incorporated herein by reference.*

16 **Hyde County FMA 2016 PJ-04-NC-2016-018**

17 Kris Noble, Assistant County Manager, reported Hyde County was awarded a FMA grant in 2017 to fund the
18 elevation of one home with multiple occurrences of flood damage. The grant will be 100% funded with a federal
19 contribution of \$138,002.00. The home is located at 2575 White Plains Road, Engelhard, NC.

20 Commissioner Simmons moved to adopt "Hyde County FY2016 FMA PJ-04-NC-2016-018 Project Budget
21 Ordinance" in the amount of \$138,002.00. Mr. Swindell seconded the motion. The motion passed on the following
22 vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

23 *Clerk's Note: A copy of "Hyde County FY2016 FMA PJ-04-NC-2016-018 Project Budget Ordinance" is attached*
24 *herewith as Exhibit D and incorporated herein by reference.*

25 **Greater Hyde County Chamber of Commerce Appropriation Request**

26 Sharon Gibbs, President of The Greater Hyde County Chamber of Commerce, submitted the Chamber's request for
27 FY2018-2019 budget appropriations. Goals for 2017 include completing the new "Hyde County Brochure", erecting
28 a "Welcome to Hyde County" sign and publishing a "traveling map" for the County. Goals for 2018 include a new
29 business directory and a billboard on Highway 64 before you reach Columbia, NC.

30 The Chamber requests funds in the amount of \$20,000.00 for 2018. The funds will be used for the billboard in the
31 amount of \$8,000.00 and approximately \$2,500.00 for the business directory. The remaining funds will be used for
32 the operation of the Chamber itself and continued advertising of Hyde County.

33 **State Aid To Airports Block Grant**

34 Jane Hodges, Airport Manager, reported the NCDOT-Division of Aviation has completed its final review of Request
35 for Aid Application No. 1000006578 from Hyde County in the amount of \$168,234.00 and it is approved to proceed
36 to the next stage of the funding process. Ms. Hodges reported Hyde County is a "Green Airport" and qualifies for
37 100% of the grant with no match. The approved scope of this work consists of Runway Rehabilitation and Papi
38 Replacement (design). The grant of funds shall include maximum funding obligations for State and Federal funds
39 which shall be:

40 State Aid to Airports:	<u>\$ 16,824.00</u>	(not to exceed 10% of the final total costs)
41 State Block Grant/NPE Program:	<u>\$151,410.00</u>	(not to exceed 90% of the final total costs)

42 Commissioner Swindell moved to approve receiving a 10% State Aid to Airports grant match in the amount of
43 \$16,863.00 for the funding of Project No. 6237.57.13.1 and to authorize Chairman Pugh to enter into a Grant
44 Agreement between NCDOT-Division of Aviation and Hyde County. Mr. Simmons seconded the motion. The
45 motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or
46 not voting – none.

47 **Health Insurance for County Employees**

48 Tammy Blake, Human Resources Director, reported Hyde County has accepted and evaluated proposals for employee
49 health coverage. A proposal submitted by the League of Municipalities for MedCost is being recommended.

50

- 1 **Engelhard Sanitary District Waiver**
2 Kris Noble, Assistant County Manager, presented request from the Engelhard Sanitary District Board for a building
3 permit wiring fee waiver for an 18'x24' storage building to an existing electrical service at the sewer plant.
- 4 Commissioner Swindell moved to approve Engelhard Sanitary District Building Permit Wiring Fee waiver in the
5 amount of \$105.00. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl,
6 Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.
- 7 **Mainland Occupancy Tax Board Appropriation**
8 Kris Noble, Assistant County Manager, presented budget request appropriations to the Hyde County Mainland
9 Occupancy Tax Board at its meeting on March 22, 2018.
- 10 Commissioner Swindell moved to approve appropriation of \$2,600.00 to the MATTIE Art Center for brochures rack
11 and new signage now; and, appropriation of \$2,000.00 to the “MATTIE Art and Seafood Festival” to be held
12 September 22, 2018 to be distributed in budget year 2018-2019. Mr. Tunnell seconded the motion. The motion
13 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not
14 voting – none.
- 15 **Albemarle RC&D 2018-2019 Request for County Funds**
16 Tabled, request will be included in the FY2018-2019 Budget.
- 17 **Executive Summary – Request for Funding**
18 Kris Noble, Assistant County Manager, presented summary of budget request appropriations for FY2018-2019 from
19 the Ocracoke Occupancy Tax fund for the tram system to support the passenger ferry project.
- 20 Last year Hyde County received Ocracoke Occupancy Tax funding in the amount of \$35,000.00 to support the first
21 year of tram service. At that time, Hyde County voiced the desire to apply for and utilize an additional \$35,000.00
22 from the Ocracoke Occupancy Tax Board in this year's cycle of funding to realize an entire funding amount of
23 \$70,000.00 from the Ocracoke Occupancy Tax Board.
- 24 The NC Department of Transportation Public Transportation Division has committed to matching all local funds. The
25 total budget of \$150,000.00 is slated to be comprised of a total allocation of \$70,000.00 from Ocracoke Occupancy
26 Tax funding, \$75,000.00 from NC DOT Public Transportation Division and the remainder of funding to be provided
27 by Hyde County.
- 28 Ms. Noble also reported Hyde County contracts with McClees Consulting in the amount of \$25,000.00 per year. Ten
29 thousand dollars (\$10,000.00) is being requested from Ocracoke Occupancy Tax funds and \$15,000.00 being supplies
30 by Hyde County general fund.
- 31 Informational item, no action is required at this time.
- 32 **Discussion Regarding Ocracoke Occupancy Tax Reserve Fund**
33 Bill Rich, County Manager, reported he will meet with the Ocracoke Occupancy Tax Board and discuss a
34 recommendation to designate \$400,000.00 of their fund balance toward capital expenditures for different non-profits
35 on the Island:
- 36 • Ocracoke Decoy Guild
37 • Ocracoke Preservation Society
38 • Ocracoke Foundation
39 • Ocracoke Community Park
40 • Loop Shack Hill (yet to be established)
41 • And/or others as recommended by the Ocracoke Occupancy Tax Board
42
- 43 Informational Item, no action is required at this time.
- 44 **Disaster Debris Removal Services (H07-2018)**
45 Justin Gibbs, Emergency Services Director, reported on February 7, 2018 Hyde County solicited sealed bids from
46 qualified contractors, with experience in disaster management, to provide disaster debris removal services. The
47 propositioned contract could be activated by the County in response to any natural or man-made event requiring
48 debris removal services.
- 49 On March 2, 2018 in an effort to foster full and effective competition, Hyde County re-opened the solicitation for
50 sealed bids for standby/pre-event disaster debris removal services because of adjustments to the request package
51 during the original advertisement period.

1 Bids from DRC Emergency Services, LLC, SDR (Southern Disaster Recovery) and TFR Enterprises, Inc. were
2 received by the deadline and have been carefully examined for conformance with the requirements outlined in the full
3 request for sealed bids.

4 Commissioner Swindell moved to approve and allow the County Manager to enter into a standby/pre-event disaster
5 debris removal services contract with SDR (Southern Disaster Recovery), the lowest responsive and responsible
6 bidder, contingent upon the County Attorney's approval. Mr. Pahl seconded the motion. The motion passed on the
7 following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

8 **Volunteer Fire Departments Contracts**

9 Justin Gibbs, Emergency Services Director, reported in accordance with Chapter 153A-233 of the General Statutes of
10 North Carolina, Hyde County enters into contract with incorporated fire departments to provide Fire Protection
11 services to an area of Hyde County defined by the fire and mutual aid districts being served by the Departments.

12 In accordance with Chapter 143-517 of the General Statutes of North Carolina, Hyde County enters into contract
13 with incorporated fire departments to provide Emergency Medical First Responder services to an area of Hyde
14 County defined by the fire and mutual aid districts being served by the Departments.

15 Commissioner Swindell moved to approve and allow the County Manager and Chairman to enter into Fire Protection
16 Services Contract and Emergency Medical First Responder Services Contract with each Hyde County Volunteer Fire
17 Department contingent upon approval of recommendations from the County Attorney. Mr. Simmons seconded the
18 motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays –
19 None; Absent or not voting – none.

20 Fire Protection Services Contract and Emergency Medical First Responder Services Contract will be forwarded to
21 each Fire Department in the County for signature.

22 **Review Ocracoke Tram/RFP**

23 Bill Rich, County Manager, reported progress on the Ocracoke – Hatteras Passenger Ferry Tram Project. Mr. Rich
24 presented NCDOT and Hyde County partnership commitments and expectations for the tram operation project:

25 • **NCDOT Commitments**

- 26 ° NCDOT commits to funding the tram service at ½ the total operating costs up to \$90,000.00 per year for the
27 following years – 2018 (partial year), 2019, 2020 and 2021. This commitment will be made each year based on
28 the costs in the contract award for operations.
- 29 ° NCDOT has provided a draft Request for Proposals for tram operations to the County Manager for the county's
30 use in preparing their proposal for advertisement.
- 31 ° NCDOT commits to entering into an agreement regarding the tram ownership and operations.

33 • **County of Hyde Commitments**

- 34 ° County of Hyde commits to funding the tram service at a minimum of ½ of the total operating cost required per
35 year, based on the awarded contract costs. These costs include all maintenance costs.
- 36 ° County of Hyde will contract with a vendor to provide the service. This contract minimally includes the
37 maintenance and upkeep of the trams and trailers, storage, electric charging stations, hiring and training operators,
38 insurance as defined by the NC Utilities Commission, operation of the service during the contract defined period,
39 and meeting the insurance and the American with Disabilities Act (ADA) requirements of operating a public
40 transportation vehicle.
- 41 ° County of Hyde will publish the tram schedule and coordinate the schedule with the Ferry Division to coincide
42 with the arrival and departure times of the passenger ferry.
- 43 ° The County of Hyde commits to meeting the Americans with Disabilities Act (ADA). Details about the ADA and
44 the public transportation requirements can be found on the Federal Transit Administration (FTA) website
45 (www.transit.dot.gov). NCDOT has worked with FTA to designate this service as commuter. This means
46 operating a deviated fixed route or complementary paratransit are not required. NCDOT will create documentation
47 of this decision.

48
49 The specific ADA expectations of the agreement are:

- 50 ° Provide vendor oversight for the ADA requirements written in the Request for Proposal.
- 51 ° Commit to installing and maintaining bus stop signs at the eight (8) points of interest stops in accordance with
52 the Americans with Disabilities Act (ADA) bus stop requirements and all permits associated with the
53 Passenger Ferry project. Although the project permits do not allow any construction at the tram stops other
54 than sign installation, the ADA requirements state: If there is construction at any one of the "point of interest
55 stops" (e.g., a pad or a shelter), then the construction would need to comply with the bus stop and shelter
56 requirements. If locations are just designated as stops with signs and nothing is built, then you should pick
57 the area to meet the landing pad requirements to the maximum extent possible so you can safely deploy the

1 lift or ramp, people can get on and off the vehicle, and people can get to the nearest accessible path of travel.
2 Since there are no sidewalks and everyone walks in the street, then the accessible path of travel would be the
3 street and riders who use wheelchairs would just have to be able to get from the places they are de-boarded to
4 the street, and vice versa.
5

6 The Hyde County Board of Commissioners will select a firm to operate and maintain Trams supporting the Ocracoke
7 – Hatteras Passenger Ferry. The term of the contract will be five (5) years with no extension.
8

9 Commissioner Pahl moved to approve and grant permission to the County Manager and Chairman to submit and
10 request advertisement (including local media) for Request For Proposal (RFP) to Operate Trams Supporting the
11 Ocracoke - Hatteras Passenger Ferry. Mr. Tunnell seconded the motion. The motion passed on the following vote:
12 Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

13 **EMS Station – Ocracoke**

14 Bill Rich, County Manager, reported the current Ocracoke EMS Station lease expires in December, 2018. Mr. Rich
15 requested permission to fund the purchase of land and construction of a new Ocracoke EMS station using funds from
16 the county's General Fund. The funds will be reimbursed from loan proceeds.

17 The 30' x 50' building will sit on a 50' x 160' lot and will include four (4) bedrooms, two (2) bathrooms and two (2)
18 parking stalls with heat and air conditioning underneath the building. The approximate cost of the building is
19 \$250,000.00 with a total project cost estimated to be \$350,000.00.

20 Commissioner Simmons moved to approve \$100,000.00 or appraisal value for the new EMS Station property
21 purchase agreement using General Fund dollars and to repay the General Fund with a loan so long as it does not
22 exceed \$150,000.00; and, to then come back to the Board to continue discussion of the project. Mr. Swindell
23 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons;
24 Nays – None; Absent or not voting – none.

25 **Hyde County Courthouse Bell Proposal**

26 Kris Noble, Assistant County Manager, presented a proposal from Margie Brooks and the Swan Quarter Volunteer
27 Fire Department (SQVFD) for the disposition of the old courthouse bell. Architect Ben Cahoon has provided specs
28 and drawings for the display of the bell on courthouse grounds. Ms. Brooks and the SQVFD requests: approval of the
29 project, a decision on the location of the bell display and permission to eventually move the bell to the SQVFD for
30 display purposes while fundraisers are conducted. Ms. Brooks reported the permanent display will incorporate colors,
31 bricks and gray metal roof in correlation with the new Hyde County Government Center.

32 Commissioner Pahl moved to endorse support of the overall Courthouse Bell Project and appropriate a portion of this
33 project (approximately \$16,500.00) to the FY2018-2019 Budget. Mr. Simmons seconded the motion. The motion
34 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not
35 voting – none.

36 **UNC-SOG Grant**

37 Commissioner Pahl moved to enter into University of North Carolina School of Government Opioid Grant regional
38 partnership with Martin, Tyrrell, Washington and Beaufort counties. Mr. Simmons seconded the motion. The motion
39 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not
40 voting – none.

41 **Audit Contract**

42 Commissioner Swindell moved to approve Audit Contract with Thompson, Price, Scott, Adams & Company in the
43 amount of \$35,250.00 for Fiscal Year Ending June 30, 2018. Mr. Simmons seconded the motion. The motion passed
44 on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting –
45 none.

46 **Budget Transfers:**

47 Earl Pugh, Jr., Chairman presented the following budget transfers for Board of Commissioners approval.

- 48 • **Mainland Occupancy Tax – Services** \$10,000.00
49 • **Hyde County Youth Athletics – HCYA** \$ 6,683.77
50 • **Sheriff's Department – Auto Maintenance & Inmate Safekeeping** \$ 5,000.00
51 • **Department of Social Services – Christmas Cheer** \$ 1,963.24
52 • **Emergency Medical Services – Fiscal Year End Expenses** \$89,500.00

- 1 • **Health** – BR-21-18 – BCCCP – Radiology \$ 2,360.00
2 – BR-22-18 – PHPR - Travel \$ 400.00

3 Commissioner Swindell moved to approve departmental budget transfers as presented. Mr. Simmons seconded the
4 motion. The motion passed on the following vote: Ayes – Pahl, Pugh, Simmons, Tunnell and Swindell; Nays –
5 None; Absent or not voting – none.

6 **Management Reports:**

7 **Chairman Earl Pugh, Jr.** – attended the Joint Board of Education meeting, Albemarle Commission meeting and the
8 Trillium meeting in Washington. Mr. Pugh also attended the STEAM Fair on Ocracoke, the Annual Chamber
9 Commerce meeting and a breakfast meeting with Representative John Torbett and Joe and Henri McClees.

10 **Vice-chair Barry Swindell** – complimented the Hyde County Youth Athletics program 5 to 7 year old team who won
11 a recent tournament.

12 **Commissioner Ben Simmons** – discussed Fairfield Drainage District and the commercial fishing industry. Mr.
13 Simmons reported Mattamuskeet beat Pungo in the Easter Tournament.

14 **Commissioner Tom Pahl** – attended Tourism Development Authority, Harbor Ordinance, Waterways and Island Inn
15 Project meetings.

16 **Commissioner Dick Tunnell** – attended the Joint Board of Education meeting. The Mid-East Housing Authority
17 will meet with the NC Housing Administration in May to follow up on sewer plans for the Hycienda Heights area.

18 **Assistant County Manager Kris Noble** – participated in the ECU Bus Tour where 52 ECU professors attended. She
19 also attended Transportation Development Authority meetings. Ms. Noble was a judge for the 4-H STEAM Fair.

20 Ms. Noble reminded board members of the April 25th 4-H Livestock Show and the Center for Energy Education's
21 Solar Farm Workshop for Eastern North Carolina Public Officials at the Vernon James Research Center in Plymouth.

22 **County Manager Bill Rich** – attended the Joint Board of Education meeting, Tourism Development Authority,
23 Harbor Ordinance, Waterways, Island Inn Project meetings, the Annual Chamber of Commerce meeting and a
24 breakfast meeting with Representative John Torbett and Joe and Henri McClees.

25 **Public Comments:**

26 Justin Gibbs, Emergency Services Director, reported the Hyde County EMS Station on Ocracoke has and will
27 continue to partner with the Health Department to render services to citizens on the Island. Plans for the new
28 Ocracoke EMS Station will include a triage and treatment space. Mr. Gibbs also presented update on mini grids and
29 policies for the local areas National Renewable Energy Project with Dare and Currituck counties.

30 There being no further comment from the public, Chairman Pugh continued the meeting.

31 **Closed Session**

32 Commissioner Swindell moved to enter into closed session in accordance with NCGS143A-318.11 (a)(6) *to consider*
33 *the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial*
34 *employment of an individual public officer or employee or prospective public officer or employee.* Mr. Simmons
35 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons;
36 Nays – None; Absent or not voting – none.

37 Commissioner Swindell moved to come out of closed session. Mr. Tunnell seconded the motion. The motion passed
38 on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting –
39 none.

40 Commissioner Swindell moved to approve proposed County Manager Contract with Kris Noble contingent upon
41 revisions made by County Attorney Franz Holscher and review by the Board of Commissioners at its next regularly
42 scheduled meeting on May 7, 2018. Mr. Tunnell seconded the motion. The motion passed on the following vote:
43 Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

44 Commissioner Pahl moved to approve proposed Independent Consultant Contract with Bill Rich contingent upon
45 revisions made by County Attorney Franz Holscher and review by the Board of Commissioners at its next regularly
46 scheduled meeting on May 7, 2018. Mr. Simmons seconded the motion. The motion passed on the following vote:
47 Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – none.

48

1 **Adjourn**

2 Commissioner Swindell moved to adjourn the meeting. Mr. Tunnell seconded the motion. The motion passed on the
3 following vote: Ayes – Pahl, Pugh, Tunnell, Swindell and Simmons; Nays – None; Absent or not voting – None.

4 The meeting adjourned at 9:40p.m.

5
6 Respectfully submitted:

7
8 Minutes approved on the 7th day of May, 2018.
9

10
11
12
13 Attest:

14
15
16
17 _____
18 Lois Stotesberry, CMC, NCCCC
19 Clerk, Hyde County Board of Commissioners

20
21 _____
22 Earl Pugh, Jr.
23 Chair, Hyde County Board of Commissioners

24 Attachments:

25 Exhibit A: *"An Ordinance Amending Chapter 26 of The Hyde County Code To Prohibit The Abandonment of Vessels In The
26 Navigable Waters of Ocracoke Harbor, Commonly Known As Silver Lake"*

27 Exhibit B: *"Hyde County Hurricane Irene HMGP Re-scopement, HMGP 4019-0023-R Project Budget Ordinance"*

Exhibit C: *"Hyde County FY2016 FMA PJ-04-NC-2016-002 Project Budget Ordinance"*

Exhibit D: *"Hyde County FY2016 FMA PJ-04-NC-2016-018 Project Budget Ordinance"*

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: May 7, 2018
Presenter: Jerry Jennings, Win Bridgers, Gretchen Byrum
Attachment: Bringing PowerPoint Thumb Drive

ITEM TITLE: NCDOT PRESENTATION

SUMMARY: NCDOT will be providing upcoming projects taking place in Hyde County; to include current year through 10/15 years. This presentation is for informational purposes, we hope to educate and encourage a positive outlook on our upcoming year(s) to provide outstanding transportation to our 14 counties.

RECOMMEND: QUESTIONS ARE ENCOURAGED

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 7, 2018
Presenter: Chris Hilbert
Attachment: Yes

ITEM TITLE: CDBG-DR POLICIES AND PROCECURES

SUMMARY: This plan describes how Hyde County will involve citizens in the planning, implementation and assessment of the Community Development Block Grant (CDBG) program. The plan provides for, and encourages, citizen participation and which emphasizes participation by persons of low or moderate income, particularly residents of predominantly low and moderate income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG-DR funds. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

Citizens will be involved in all stages of the CDBG-DR program, including program implementation, assessment of performance and design of changes in the Citizen Participation Plan. There will be two (2) general mechanisms for their involvement:

1. To attend or hold public hearings or community meetings; and,
2. To provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated County official.

RECOMMEND: ADOPT CITIZEN PARTICIPATION PLAN

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Citizen Participation Plan
Division of Emergency Management
North Carolina Department of Public Safety

Grantee: Hyde County

Recipient's Address: Hyde County, 30 Oyster Creek Rd, (PO Box 188), Swan Quarter, NC 27885_

Contact Person: Kris Cahoon Noble, Assistant County Manager

Contact Email: knoble@hydecountync.gov

Contact Phone #: (252) 926-4180

TDD#: Relay North Carolina TT#1-800-735-2962

The primary goal of the Citizen Participation Plan is to provide citizens, especially low and moderate income citizens of the community where CDBG-funded activities will take place, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects.

The Citizen Participation Plan is required by Section 104(a) (2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a) (6).

The plan is vitally important to the success of CDBG-funded activities undertaken by local governments. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.

1. INTRODUCTION

Hyde County has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program. This Plan is an essential element of the County's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Division of Emergency Management (NCDEM) and the Department of Housing and Urban Development (DHUD).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the County's CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the County.

2. SCOPE OF PARTICIPATION

The County will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the County. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. changes and/or amendments to approved CDBG projects; and
- c. assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the County are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

3. CITIZEN PARTICIPATION CONTACT PERSON

Kris Noble, Assistant County Manager, has been designated Citizen Participation Coordinator by the Chairman of the Hyde County Board of Commissioners and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing

citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at the Hyde County Government Center, 30 Oyster Creek Road, (PO Box 188), Swan Quarter, NC, during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.

4. TECHNICAL ASSISTANCE

The Hyde County staff shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Citizen Participation Coordinator.

5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate income persons and residents of areas where CDBG activities are proposed or ongoing.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and

performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

5.1 Public Hearing Times and Locations

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the County. Public hearings may be held at any site which, in the opinion of the County, provides adequate access for citizen participation.

Hearings will normally be held at the Hyde County Government Center, 30 Oyster Creek Road, (PO Box 188), Swan Quarter, NC. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the County, be held at an alternate location to be specified in the public hearing notice(s).

5.2 Application Public Hearing

One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the County to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the County during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the County through the CDBG program; and an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The County may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the County.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

5.3 **Amendment** Public Hearings

The County will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the County. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the County shall hold a public hearing on all formal amendments which require the NCDEM approval. For "local" amendments and changes for which the NCDEM approval is not required, input from

citizens concerning changes or amendments will be received at regularly scheduled County meetings where such changes or amendments are considered.

5.4 Assessment of Performance Public Hearings

Citizens of the County will be provided with the opportunity to comment on the performance of local officials, the County staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the County in resolving identified community development and housing needs, and in achieving its community development goals and objectives. Ongoing community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the NCDDEM for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

5.5 Additional Hearings

Other public hearings may be held as deemed necessary by the County in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

5.6 Limited English Proficiency Residents

The County has followed the guidance provided in the Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

5.7 Public Hearing Notice

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

5.8 Accessibility to Low and Moderate Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The County shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The County shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance. Additionally, the County shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the County shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the Hyde County Government Center, 30 Oyster Creek Road, (PO Box 188), Swan Quarter, NC. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the NCDDEM and/or the DHUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development

program, and written responses from the County; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the County disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the County shall not disclose any information which may, in the opinion of the Chairman of the Hyde County Board of Commissioners, be deemed of a confidential nature.

7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the County.

Any citizen or citizens' group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Chairman of the Hyde County Board of Commissioners. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Chairman of the Board of Commissioners, then the aggrieved party may appeal his/her case to NCDEM.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the County be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the NCDEM.

Citizens may, at any time, contact the NCDEM and/or DHUD directly to register comments, objections or complaints concerning the County's CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting NCDEM or DHUD.

All comments or complaints submitted to the NCDEM or the DHUD shall be addressed in writing to:

NC Department of Public Safety
Division of Emergency Management
4238 Mail Service Center
Raleigh, North Carolina 27699-4238

OR

U.S. Department of Housing and Urban Development
Community Planning and Development Division
Greensboro Field Office
1500 Pinecroft Road
Greensboro, NC 27407

Records of all comments, objections and/or complaints by citizens concerning the County's CDBG program and subsequent action taken in response to those comments shall be maintained on file at the County and shall be made available for public inspection upon request.

8. AMENDMENTS

The County may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the County to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the County. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the County and shall be incorporated into this Plan.

9. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the County in the development, implementation, and execution of any Community Development Block Grant program.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 7, 2018
Presenter: Chris Hilbert
Attachment: Yes

ITEM TITLE: HYDE COUNTY CDBG-DR PROGRAM PROJECT ORDINANCE

SUMMARY: Chris Hilbert of Holland Consulting Planners will present the following program project ordinance pertaining to the Hyde County CDBG-DR grant. The following revenues and resources are anticipated to be available to complete the project activities:

CDBG-DR Disaster Recovery Grant Program

CDBG Grant	\$500,000
Total Project Resources	\$500,000

The following amounts are appropriated for the project activities:

<u>CDBG-DR Project</u>	
Project Budget	\$500,000

RECOMMEND: APPROVAL

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Project Ordinance

Be it ordained by Hyde County, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Block Grant Disaster Recovery (CDBG-DR) Program described in the work statement contained in the grant agreement (#17-R-3014) between Hyde County and the North Carolina Department of Environment and Natural Resources. This project is more familiarly known as the Hyde County CDBG-DR Project.

Section 2. The Hyde County staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Environment and Natural Resources, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

<u>CDBG-DR Project</u>	
CDBG Grant	\$500,000
Total Project Resources	<u>\$500,000</u>

Section 4. The following amounts are appropriated for the project activities:

<u>CDBG-DR Project</u>	
Project Budget	<u>\$500,000</u>

Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Environmental and Natural Resources required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Environmental and Natural Resources in an orderly and timely manner.

Section 7. The Grant Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Grant Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 7, 2018
Presenter: Chris Hilbert
Attachment: Yes

ITEM TITLE: RESOLUTION APPROVING ADMINISTRATIVE GUIDELINES AND POLICIES

SUMMARY: Chris Hilbert of Holland Consulting Planners will present for approval and adoption the following administrative guidelines and policies related to the Hyde County CDBG-DR grant.

1. Project Ordinance
2. Financial Management Resolution
3. Citizen Participation Plan
4. Residential Anti-Displacement and Relocation Assistance Plan
5. Local Job Initiative (Section 3) Plan, Local Economic Benefit for Low-and Very Low-Income Persons
6. Equal Opportunity Plan
7. Procurement Standards Plan
8. Policy Concerning Code of Conduct
9. Fair Housing Policy
10. Excessive Force Policy
11. Designation of Labor Standards Enforcement Officer

RECOMMEND: APPROVAL & ADOPT

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Resolution Approving Administrative Guidelines and Policies

WHEREAS, Hyde County wishes to carry out its Community Development Block Grant Disaster Recovery (CDBG-DR) Program in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, the Hyde County Board of Commissioners hereby collectively adopts the following resolutions, guidelines, plans, and policies, and resolves that they be utilized during the administration of the county's CDBG Disaster Recovery program:

1. Project Ordinance
2. Financial Management Resolution
3. Citizen Participation Plan
4. Residential Anti-displacement and Relocation Assistance Plan
5. Local Jobs Initiative (Section 3) Plan, Local Economic Benefit for Low- and Very Low-Income Persons
6. Equal Opportunity Plan
7. Procurement Standards Plan
8. Policy Concerning Code of Conduct
9. Fair Housing Policy
10. Excessive Force Policy
11. Designation of Labor Standards Enforcement Officer

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Financial Management Resolution

WHEREAS, Hyde County has received a Community Development Block Grant Disaster Recovery Grant in the amount of \$500,000; and

WHEREAS, the North Carolina Administrative Code regulations require that Hyde County designate a Grant Finance Officer and a depository for CDBG funds;

NOW, THEREFORE, Hyde County hereby resolves the following:

- (1) Corrinne Gibbs, Finance Director, will serve as Grant Finance Officer, and will be responsible for financial management of the program according to the requirements of the North Carolina Administrative Code and North Carolina General Statute requirements.
- (2) First National Bank of Swan Quarter, NC, is hereby designated as the official depository for revenues budgeted for the CDBG-DR Program.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Policy Concerning Code of Conduct for Officers, Employees or Agents

BE IT RESOLVED BY THE HYDE COUNTY BOARD OF COMMISSIONERS:

Section 1: No employee, officer or agent of Hyde County shall knowingly solicit or accept any form of gratuity from any person, firm or organization whereby such gratuity shall in any way persuade or affect the outcome of the award of any contract of which any part is supported by federal funds.

Section 2: No employee, officer or agent of Hyde County shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award.

Section 3: No employee, officer or agent of Hyde County shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

Section 4: If any employee, officer or agent shall knowingly violate any of the provisions of this policy, such employee, officer or agent will be subject to such disciplinary measures as may be deemed appropriate by the Hyde County Board of Commissioners or County Manager including, but not limited to, suspension without pay, demotion, or dismissal.

Section 5: If any contractor or his agent violates any provision of this policy, such violation will constitute grounds for action deemed appropriate by the County Manager including, but not limited to, withdrawal from consideration of any proposal or bid submitted by such contractor, withdrawal of award, or rescission of contract.

This policy shall become effective from and after its adoption by the Hyde County Board of Commissioners in an open meeting.

If any part of this policy shall be found to be in conflict with any federal or State of North Carolina law, then that portion of the policy can be amended to comply with the federal or state law without affecting the validity of the other portions.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Procurement Standards Plan

Policy

Hyde County will comply with the terms and conditions of Federal and/or State funding that is awarded and accepted, including but not limited to, the terms and conditions of Grant Contract, Title 2 CFR Part 200, and HUD implementing regulations contained in 24 CFR 570.489(g) which are incorporated by reference and included herein to the extent of its applicability. The County, as the recipient of Federal and/or State CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid North Carolina State and Federal Procurement Policies.

Hyde County will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms. Additionally, the County will demonstrate contract cost and price awareness, and adhere to awarding agency review provisions (Title 2 CFR Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts under Federal Awards).

Plan

All procurement of goods and services by the County with CDBG grant funds shall be accomplished in accordance with the regulations of **Procurement Standards**, where applicable, Recipient shall follow the procurement standards established in the "Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards" (2 CFR Part 200) and HUD implementing regulations contained in 24 CFR 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 CFR 570.489(g) and 24 CFR 135.38, or the North Carolina General Statutes applying to procurement in general by the North Carolina municipalities and counties.

When the Federal and State regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, the County will adhere to the following guidelines during procurement of goods and services with Federal funds:

- In all cases where goods or services are procured on the basis of one bid or proposal received, the County will follow established principles included in OMB Circular A 87 to verify the reasonable cost of the procurement, and shall contact the State agency supervising the grant program before making any contract award on the basis of non-competitive negotiation.
- Underutilized businesses, including women-owned, and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the County, and such firm(s) shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for good and services.
- The County shall develop a written scope of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and outline of fee proposal requirements. The statement of work shall also include a written selection procedure. All competitive negotiations shall be awarded strictly on the basis of written selections procedures, and cost

shall not be the sole or more important factor in selection of services through the use of competitive negotiations.

- Prior to any contract award, the County shall verify the contractor's eligibility to participate in a federally-assisted program.
- No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has an indirect or direct interest. The County shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- The County shall request references, or check references, of contractors or firms who are awarded contracts with Federal grant funds, and will request a written warranty for all goods and services provided through small purchases requests.
- The County shall not award any contract for federally-assisted projects on a contingency or cost plus percentage of cost basis.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

**HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
EQUAL OPPORTUNITY PLAN**

Equal Housing Opportunity Plan

Civil Rights Act of 1964

The Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property.

The Fair Housing Act

The Fair Housing Act declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, handicap, familial status, or national origin.

Executive Order 12892, Equal Opportunity in Housing

Executive Order 12892, as amended (Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner to further affirmatively the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities.

Hyde County shall eliminate housing discrimination, and achieve diverse, inclusive communities by leading the County in the enforcement, administration, and public understanding of federal fair housing policies and laws. The County shall include the Equal Housing Opportunity logo and/or the phrase affirming Equal Opportunity in Housing on all the CDBG documents intended to be shared with the public.

The County shall post in public buildings and the CDBG project area the Equal Housing Opportunity posters and/or additional information the local government has prepared to inform the community with the Equal Housing Opportunity policies and laws.

Describe specific actions to be taken to contact and develop working relationships with local owners, real estate and civic, charitable or neighborhood organizations in particular, to secure public understanding and responsibilities to exercise Equal Housing Opportunity:

Hyde County has adopted a Fair Housing Policy and will prepare an Assessment of Fair Housing. Planned, quarterly activities include:

- Publish complaint procedure in the newspaper and post at County offices;
- Prepare housing resource manual to include housing assistance and related agencies listing;
- Contact local realtors and provide fair housing materials;
- Update Assessment of Fair Housing (AFH).

Equal Employment Opportunity Plan

Hyde County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment.

In furtherance of this policy, the County prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The County shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Assistant County Manager to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Chairman of the Board of Commissioners. Records presented to the Chairman of the Board of Commissioners shall be maintained in the files and will be provided to the North Carolina Division of Emergency Management (NCDEM) as needed. The County is committed to this policy and is aware that with its implementation, the County will receive positive benefits through the greater utilization and development of all its human resources.

The County shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.

The County shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

The County shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, national origin, handicap, age, political affiliation, or

any other non-merit factor, except where religion, sex, national origin, or age are *bona fide* occupation qualifications for employment.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Local Jobs Initiative (Section 3) Plan
Local Economic Benefit for Low- and Very Low-Income Persons
May 7, 2018 – May 6, 2021

I. APPLICATION AND COVERAGE OF POLICY

Hyde County is committed to the policy that, to the greatest extent possible, opportunities for training and employment should be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development projects should be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968. The County has developed and hereby adopts the following Plan.

The County will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder.

This Section 3 covered project area for the purposes of this grant program shall include the County and portions of the immediately adjacent area.

The County will be responsible for implementation and administration of the Section 3 plan. In order to implement the County's policy of encouraging local residents and businesses to participate in undertaking community development activities, the County will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses.

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, the County will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories, and Small Business Administration local offices. Word-of-mouth recommendation shall also be used as a source.

The County will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre-bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Hyde County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in the project, prior to any contracting, major purchases or hiring, the County will develop a listing of jobs, supplies and contracts likely to be utilized during the project. The County will then advertise the pertinent information regarding the project including all Section 3 required information. The County will send the bid information to the Division of Emergency Management (NCDEM) in order for DEM to distribute information through its list-serve notification.

II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

The County will take the following steps to assure that low income residents and businesses within the community development project area and within the County are used whenever possible:

- List jobs through the NC Historically Underutilized Business (HUB) office;
- Refer potential employees and businesses to various state and local agencies for development and training assistance;
- Place qualified residents and businesses on solicitation lists;
- Assure that residents and businesses are solicited whenever they are potential sources of contracts, services, or supplies.

The County will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.
- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which the County will maintain a list for individuals and business concerns inquiring information

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the Hyde County Government Center Building
- iii. County Board meetings when project activities and schedules are discussed
- iv. Notification to other agencies that provide services to low-income people.

The County will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents;
2. Encourage public works contractors to hire local area residents.

The County will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area, and will:

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores.

III. RECORDS AND REPORTS

The County will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of DEM, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The County shall report annually the Section 3 numbers using the form HUD 60002 to DEM at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

The County may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

V. COMPLAINTS CONTACT

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

Kris Cahoon Noble
Hyde County Government Center
30 Oyster Creek Road
PO Box 188
Swan Quarter, NC 27885
(252) 926-4180
knoble@hydecountync.gov

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Residential Anti-displacement and Relocation Assistance Plan
May 7, 2018 to May 6, 2021

This Residential Antidisplacement and Relocation Assistance Plan is prepared by Wilson County, North Carolina, in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to CDBG¹ projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, Hyde County will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.
- Attempt to locate comparable replacement housing in or near the neighborhood where demolition activities occur to further minimize neighborhood disruption caused by the clearance activities.
- Avoid demolition of occupied severely deteriorated residential structures where possible through substantial rehabilitation as opposed to clearance.
- Rehabilitate vacant, occupiable residential structures in CDBG programs as affordable housing for displaced tenants to minimize neighborhood disruption caused by clearance activities.

A. Relocation Assistance to Displaced Persons

The County will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

¹ CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

B. One-for-One Replacement of Lower-Income Dwelling Units

The County will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing Hyde County to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the County will make public by publishing notice in The Washington Daily News newspaper, and submit to State CDBG Program(s) North Carolina Division of Emergency Management (NCDEM) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See C, below.*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the County will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the County may submit a request to the State (NCDEM) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The Assistant County Manager's Office, at (252) 926-4180, is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. The County Manager's Office, at (252) 926-4180, is responsible for ensuring that relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use are provided.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Fair Housing Policy

WHEREAS, Hyde County desires that the citizens of the County be afforded the opportunity to attain the national objective of a decent, safe and sound living environment; and

WHEREAS, Hyde County deplores discrimination in the provision of housing on the basis of race, religion, color, creed, sex, national origin, young children in a family, or handicapping conditions; and

WHEREAS, Hyde County desires that every citizen be afforded the opportunity to select a home of his or her choice; and

WHEREAS, Hyde County wishes to ensure that programs and activities undertaken by the County relating to housing and urban development be administered in a manner to affirmatively further fair housing as required by Title VIII of the Civil Rights Act of 1968, as amended; 24 CFR 107, Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063; and the North Carolina State Fair Housing Act, NCGS, Chapter 41A;

NOW, THEREFORE, to accomplish the above, Hyde County does adopt the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Hyde County may do so by informing the Assistant County Manager at (252) 926-4180, or NC Human Relations Commission (919) 733-7996, TDD# (919) 733-7996 (or Relay North Carolina TT# 1-800-735-2962) of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the Assistant County Manager shall inform the North Carolina Human Relations Commission about the complaint within ten (10) calendar days. The County shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. Hyde County shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints which are based upon events occurring in the County.
4. The Assistant County Manager shall publicize within the County that she is the local official to contact with housing discrimination complaints.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Excessive Force Policy (May 7, 2018 to May 6, 2021)

Hyde County hereby adopts an Excessive Force Policy that is in accordance with the applicable State of North Carolina and Federal Regulations, i.e., Section 519 of Public Law 101-144, (1990 HUD Appropriations Act) requiring units of government receiving CDBG funds to adopt and enforce Excessive Force Provision. The County, as the recipient of Federal and/or State CDBG Grant Funds, acknowledges its responsibility to and will adhere to the aforesaid NC State and Federal Excessive Force Regulations.

The use of excessive force is any degree of physical action beyond mere restraint. The use of physical force shall be restricted to the amount of force which is reasonable and apparently necessary to effect a lawful arrest or in defense of self or others.

Striking or any form of restraint in which injury occurs shall be considered use of force. Additionally, the pointing of any firearm directly at any person shall be deemed use of force.

Mere restraint is defined as physically overpowering without striking or using weapons. Scuffling, holding, tackling, etc., may or may not be mere restraint, depending upon the circumstances. Whenever doubt exists as to whether the level of restraint used constitutes use of force, the immediate supervisor will be notified of the incident and will make a determination.

More particularly, the County adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any and all individuals engaged in non-violent civil rights demonstrations, and is adopting and will enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within Hyde County.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

HYDE COUNTY CDBG DISASTER RECOVERY PROGRAM
Designation of Labor Standards Enforcement Officer

To ensure that all construction activities included in the Hyde County's CDBG Disaster Recovery (CDBG-DR) Program are completed with due attention to all federal labor standards regulations, Hyde County hereby designates Chris Hilbert, Project Manager with Holland Consulting Planners, Inc., as Labor Standards Enforcement Officer for its CDBG Disaster Recovery Program.

Adopted this 7th day of May, 2018.

Earl Pugh, Jr., Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: May 7, 2018
Presenter: Asst. County Manager Kris Noble
Attachment: Yes

ITEM TITLE: LIBERTY HOME CARE –LETTER OF SUPPORT

SUMMARY: Liberty Commons Nursing and Rehab Center of Hyde County, LLC, d/b/a Cross Creek Health Care, requests an Adjustment to the Need Determination for Proposed 2019 State Medical Facilities Plan (SMFP). Cross Creek asks that the proposed 2019 State Medical Facilities Plan be modified to add a special need for 23 adult care home beds in Hyde County. After careful assessment, Liberty determined that there are unique circumstances in Hyde County that necessitate the addition for 23 adult care home beds in Hyde County. Factors considered:

- There currently are no licensed adult care home beds actually located in Hyde County
- Extensive drive time from current adult care home facility to Hyde County
- Liberty's existing skilled nursing facility, which is the only licensed skilled nursing provider in Hyde County
- Hyde County's population of persons age 65 and older are projected to increase at a rate of 66% between 2010 and 2030
- Unique population will never meet current SMFP threshold
- Community support for ACH acre in Hyde County is strong

The County has been asked to provide a letter in support of the addition of the 23 adult care home beds.

RECOMMEND: INFORMATION ONLY

Motion Made By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Motion Seconded By: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl

Vote: ☐ Earl Pugh, Jr.
☐ Barry Swindell
☐ Dick Tunnell
☐ Ben Simmons
☐ Tom Pahl



2334 S. 41st Street • Wilmington, NC 28403
(910) 815-3122 • FAX: (910) 815-3111

**PETITION FOR AN ADJUSTED NEED DETERMINATION FOR ADULT CARE
HOME BEDS IN HYDE/TYRRELL SERVICE AREA**

Petitioner:

Liberty Commons Nursing and Rehab Center of Hyde County, LLC
d/b/a Cross Creek Health Care
2334 S 41st Street
Wilmington, NC 28451

Timothy Walsh, Sr. Financial Analyst
Work: (910) 332-1982
TWalsh@libertyhcare.com

Requested Adjustment:

Liberty Commons Nursing and Rehab Center of Hyde County, LLC, d/b/a Cross Creek Health Care ("Cross Creek") requests an Adjustment to the Need Determination for Proposed 2019 State Medical Facilities Plan (SMFP). Cross Creek asks that the Proposed 2019 State Medical Facilities Plan be modified to add a special need for 23 adult care home beds in Hyde County. The Applicants recognize that Hyde and Tyrrell are considered a combined service area for Chapter 11 of the SMFP. However, this request is to add the 23 beds exclusively to Hyde County.

Liberty Company Background:

Long Term Care Management Services LLC, dba Liberty Healthcare and Rehabilitation Services ("Liberty"), provides management and support to twenty-seven skilled nursing facilities with a total of 2,654 licensed skilled nursing beds. 1,398 of these beds are licensed in stand-alone skilled nursing facilities, and the remaining 1,256 skilled nursing beds are licensed in combination facilities with assisted living beds (adult care home beds). Successfully operating these facilities has resulted in the company's executive management having extensive experience and knowledge in operating skilled nursing facilities. Because of this expertise, Liberty is able to provide care for patients with a wide variety of diagnoses and needs. Liberty provides cost-effective, high-quality care that meets the needs of patients in today's quickly changing health care system.

The principals in this enterprise are **John A. "Sandy" McNeill Jr.** and **Ronald B. "Ronnie" McNeill**. Sandy, a pharmacist by training, has had many years of business experience in the health care field. He has opened and operated four pharmacies and developed Medi-Care Supply Company, a durable medical equipment provider, from a relatively small operation with one

location in 1975 to a multi-million dollar corporation with 16 locations when it was sold in 1986 to a Fortune 500 company.

Ronnie is a Registered Professional Engineer with a Master's Degree in Business Administration. He brings technical, financial and health care insurance reimbursement expertise to the organization. He previously served as Chief Financial Officer and Billing Manager of Medi-Care Supply Company. He contributes his substantial expertise in financial management and cost control to the efficient operation of the organization.

Jeff Wilson, LNHA joined Liberty in 1998 and is currently the Chief Operating Officer of the Liberty Healthcare Group. Jeff has been involved in long term care operations for over 30 years, including having served as an administrator for ten years. Jeff serves on the Board of Directors of the North Carolina Health Care Facilities Association and has been active on many association committees. **Paul Babinski**, MBA, LNHA who is the President of Liberty Healthcare and Rehabilitation Services. Paul has been a Licensed Nursing Home Administrator since 1985. He served as a nursing home administrator from 1985 to 1995, and has held regional management positions of increasing responsibility leading to his current position. In addition to his management responsibilities for nursing centers in North Carolina, South Carolina and Virginia, Paul has held board and committee chair roles for the North Carolina Health Care Facilities Association, the South Carolina Health Care Association and the Charlotte-Mecklenburg Council on Aging. **Joan Garvey**, RN, LNHA, Regional Director of Operations of Liberty Healthcare and Rehabilitation Services, joined the company in October, 2008. Joan has been a Licensed Nursing Home Administrator since 1985 and an Assisted Living Administrator since 2000. She is Preceptor certified for both, and has held varied roles in long term care in both administration and administrative nursing. She is very active in the North Carolina Healthcare Facilities Association by serving on the Board of Directors and Chairing Committees. **Amy Fann**, RN, LNHA, Vice President of Clinical Operations of Liberty Healthcare and Rehabilitation Services, joined Liberty in September 1995. She has worked in long term care for more than 20 years and has been both a Director of Nursing and an Administrator. Amy serves on the Nurse Council of the North Carolina Health Care Facilities Association and has been active on many association committees. Quality assurance Nurse Consultants include **Lorna Mumo**, RN, **Suzan Pittard**, RN, and **Linda Peterson**, RN along with MDS Nurse Consultants **Catherine Mbuqua**, RN, and **Gina Robinson**, RN. Liberty also employs **Ellen Anderson** and **Krupa Patel**, both Registered Dietitians, for Dietary services support. **Tammy McPherson** and her team support our therapeutic rehabilitation services.

Liberty Healthcare Management, Inc. provides accounting, human resources, risk management and other support services to all 27 nursing homes. **Kim McNeill**, MBA oversees Human Resources and **Kim Kilday**, MBA heads the marketing team. **Penny Purifoy**, an employee for 18 years, directs accounts receivable, and **Kathy McLawhorn**, RN, LNHA leads Risk Management. They, along with an experienced and dedicated support team, provide the leadership, direction, technical expertise, and organizational skills that will ensure all new facilities are successful, high quality care facilities.

Cross Creek Health Care Background:

Cross Creek Health Care Center provides a complete continuum of care including short term rehabilitation, long term care, hospice care and out-patient therapy. The facility is located in rural Hyde County in a comfortable country environment.

Our professional and compassionate staff offers planned care that is patient focused. Patients access our state of the art rehabilitation services including physical, occupational and speech therapy. With a reputation for providing outstanding rehabilitation services, Cross Creek offers patients with the ability to move from service to service as their needs change.

Enhanced therapy services at Cross Creek includes diathermy, that assists with decreasing pain, e-stimulation to support improved joint movement and muscle strength and vital stimulation that promotes better swallowing. When a patient is engaged in these enhanced services, they have a more positive experience during their regular therapy sessions.

Additionally, affiliates of the Applicants recently filed 2 CON's with this petition in mind. Part of the 2 CON's is to move 30 total SNF beds from Cross Creek to Mecklenburg County. These 30 beds are being moved partly because there was a large deficit in Mecklenburg, but also because the Applicants would be petitioning to add 23 ACH beds to Hyde County. This move of 30 beds will not only create more SNF private rooms, but will also allow Cross Creek to offer all private ACH rooms if approved of the petition and 2019 CON.

Reasons for the Proposed Adjustment:

Liberty recognizes the long-standing support of the Long-Term and Behavioral Health Committee and the State Health Coordinating Council with respect to petitions for adjusted need determinations. After careful assessment, Liberty has determined that there are unique circumstances in Hyde County that necessitate the addition for 23 adult care home beds in Hyde County. Approval of this petition will provide Liberty the opportunity to submit a Certificate of Need (CON) application during 2019 to add these 23 beds to their SNF facility in Hyde County.

Liberty justifies the proposed adjusted need determination based on several factors, including:

- There currently are no licensed adult care home beds actually located in Hyde County
- Extensive drive time from current adult care home facility to Hyde County
- Liberty's existing skilled nursing facility, which is the only licensed skilled nursing provider in Hyde County
- Hyde County's population of persons age 65 and older are projected to increase at an astounding 66% between the 2010 US Census and 2030 projected census
- Unique population will never meet current SMFP threshold
- Community support for ACH care in Hyde County is extremely strong

Existing Adult Care Home Providers for Hyde County

In 2012, Meridian Senior Living, LLC petitioned and was granted an adjustment to Hyde and Tyrrell County which would combine the two counties into a single service area regarding the Adult Care Home Bed Need Determinations for the 2013 SMFP. The petition combined a 20 bed Need for Tyrrell County and 30 bed need for Hyde County to a combined single 50-bed need to

be located within the service area of Hyde or Tyrrell County. Meridian Senior Living was granted the CON in 2013, and opened up Tyrrell House in Tyrrell County in October of 2016. The facility is located at 950 US-64, Columbia, NC.

According to the 2018 License Renewal Application submitted by Tyrrell House, they are licensed for 50 AL beds, 24 of which are licensed for dementia/Alzheimer in a Special Care Unit (SCU). Of the 50 beds available, 42 were filled. However, of the 24 SCU beds, only 16 were filled. Therefore, all the non-Alzheimer beds are filled, and the only available beds are located in the SCU unit. The occupancy is as follows:

Table 1: Occupancy of Tyrrell House

Tyrrell House	Beds Available	Beds Occupied	Occupied Percentage
Assisted Living	26	26	100%
Special Care Unit (Alzheimer's)	24	16	67%
Total	50	42	84%

Data was obtained from 2017 License Renewal Applications

As the date above displays, all assisted living beds are full, with only 8 Alzheimer/dementia beds available. This means any potential resident who does not have Alzheimer's disease or related dementia will have to go outside of the Hyde/Tyrrell county line's to find assisted living availability.

Geographical Access to Hyde County Residents

One of the biggest proponents of this petition is the access (or lack thereof) of Hyde County residents into Assisted Living. Hyde County, bordered on the south by the Pamlico Sound and the east by the Atlantic Ocean, is defined by water. According to the U.S. Census Bureau, the county has a total area of 1,424 square miles, of which 613 square miles is land and 811 square miles (57%) is water. It is the second-largest county in North Carolina by total area. However, with this large amount of water comes travel easily and quickly throughout the county.

As stated above, there is currently not an assisted living facility located in Hyde County. Therefore, Hyde County residents in need of assisted living care must utilize out-of-county facilities. The Applicant used Google Earth to find approximate mileage and driving time from Tyrrell House to the most populous townships among adults aged 65 and over. These townships were: Lake Landing Township, Fairfield Township, and the County Seat Swan Quarter¹. Lake Landing Township is far and away the most populated township overall as well as the most populous among adults aged 65 and over. Fairfield Township is the closest township in location to Tyrrell House, and it is still almost 30 miles and a 32 minute (one way) drive for a resident or family member to drive. Please refer to Table 2 and Table 3 below.

¹ Applicants utilized Hyde County Board of Commissioners addresses given from Hyde County Website: http://www.hydecourtnc.gov/board_of_commissioners/commissioners_contact_info.php

Table 2: Mileage from Tyrrell House to Hyde County Townships

Facility Name	Facility County	Miles from Facility			
		Lake Landing Township	Fairfield Township	Swan Quarter Township	Currituck Township
Tyrrell House	Tyrrell	47.3 Miles	29.7 Miles	43.7 Miles	56.7 Miles

Table 3: Drive Times from Tyrrell House to Hyde County Townships

Facility Name	Facility County	Drive Time from Facility			
		Lake Landing Township	Fairfield Township	Swan Quarter Township	Currituck Township
Tyrrell House	Tyrrell	54 minutes	32 minutes	48 minutes	1 hour and 4 minutes

To compare, the Applicant also utilized Google Earth to find approximate mileage and driving time from Liberty's current skilled nursing facility, Cross Creek Health Care, which would be the CON applicant should this petition be approved. See Table 4 and 5 below. As you can see from the tables, these drive times and total mileage for potential residents and family members would be significantly less if there were 23 additional beds located in Hyde County.

Table 4: Mileage from Cross Creek Health Care to Hyde County Townships

Facility Name	Facility County	Miles from Facility			
		Lake Landing Township	Fairfield Township	Swan Quarter Township	Currituck Township
Cross Creek	Hyde	22.3 Miles	15.2 miles	2.2 Miles	15.4 Miles

Table 5: Drive Times from Cross Creek Health Care to Hyde County Townships

Facility Name	Facility County	Drive Time from Facility			
		Lake Landing Township	Fairfield Township	Swan Quarter Township	Currituck Township
Cross Creek	Hyde	27 minutes	18 minutes	4 minutes	21 minutes

Combining this service area has not helped the residents of Hyde County. Please see **Attachment 1**. As you can see from the map, Tyrrell House is located near the top of Tyrrell County, closer to Washington County than it is to Hyde County. In fact, some Hyde County residents are the same

or even closer to facilities located in Beaufort County than they are to Tyrrell House. See below tables. The applicant's again utilized Google Earth to find approximate mileage and driving time from Beaufort County facilities (Autumnfield of Belhaven and Pantego Rest Home) to Hyde County townships among adults aged 65 and over. As you can see from the tables, Lake Landing Township and Fairfield Township have comparable mileage and drive times to these facilities as they do to Tyrrell House. Furthermore, Swan Quarter and Currituck Townships offer significantly less mileage and drive times to Beaufort facilities compared to Tyrrell House.

Table 6: Mileage from Beaufort County facilities to Hyde County Townships

Facility Name	Facility County	Miles from Facility			
		Lake Landing Township	Fairfield Township	Swan Quarter Township	Currituck Township
Autumnfield of Belhaven	Beaufort	51.1 Miles	44 Miles	31.2 Miles	29.1 Miles
Pantego Rest Home	Beaufort	50.4 Miles	43.3 Miles	30.5 Miles	28.3 Miles

Table 7: Drive Times from Beaufort County facilities to Hyde County Townships

Facility Name	Facility County	Drive Time from Facility			
		Lake Landing Township	Fairfield Township	Swan Quarter Township	Currituck Township
Autumnfield of Belhaven	Beaufort	59 minutes	50 minutes	36 minutes	36 minutes
Pantego Rest Home	Beaufort	1 hour	51 minutes	37 minutes	37 minutes

Geographical access to adult care home facilities is extremely important. Many factors can come into play for a resident or family member that must travel long distances to receive treatment and care. Some of these factors include: weather, traffic, accidents, and expenses. For the families of these residents, stress is already high when dealing with an ill family member, and worrying about the agonizing drive mileage and time should not be a concern of the family.

To conclude, adding 23 adult care home beds in Hyde County would greatly improve the geographic access of ACH services for local Hyde County citizens.

Demographics among the Senior Population

Although Hyde County is the second-largest county in North Carolina by total area, it is also the second-least populous county in North Carolina. However, a particularly noteworthy aspect of the Hyde County population is its age. Liberty has analyzed the local demographics and feels

that the Hyde County market is strong enough to support this project. An analysis of the Hyde County population reveals a strong residents and projected growth for those aged 65+.

According to Nielsen Claritas pop-facts data ran by the Applicant, the 2017 estimated total population in Hyde County is projected to be 5,503. Even so, the overall population between 2010-2017 has gone down 5.28% and is projected to drop another 1.13% between 2017-2022.

However, of the 5,503 projected population in 2017, 1,038 (or 18.86%) are projected to be 65 and over. To compare, there were only 875 people aged 65 and over in 2010. That means there was a growth of 163 people aged 65+, or almost 19%. The growing is expected to continue, as well, as an additional 111 people aged 65+ is expected to populate this area in 2022. That is another growth of almost 12%. See [Attachment 2](#) regarding these figures.

Moreover, according to figures from the NC Office of State Budget and Management, the population of persons age 65 and older in Hyde County is projected to grow from 875 at the time of the 2010 US Census to 1,410 by 2030, an increase of 66%. More specifically, between 2010 and 2030 the Hyde County population age 65-74 is projected to grow by 50%, the population age 75-84 by 100% and the population over age 85 by 46%. See Table 6 below, which displays this data. Also see [Attachment 3](#), which exhibits July 1, 2010 and July 1, 2030 County Total Age Groups.

The increasing elderly population in Hyde County is essential to note. In 2010, according to the Overview, published by The National Center for Assisted Living, approximately 89% of assisted living residents were 65 years of age or older². Thus, this population represents the most significant demographic in need of the proposed assisted living beds.

Table 8: Population and Growth among Hyde County Residents 65+

Population by Age:	NC Office of State Budget and Management, Hyde County			
	Population	% of Total Population	Additional People	Growth %
2010 Census Estimate	5,797			
Age 65 - 74	458	7.90%		
Age 75 - 84	275	4.74%		
Age 85 - 89	115	1.98%		
Age 100+	2	0.03%		
Age 65 and over	850	14.66%		

² Information from: The National Center for Assisted Living Overview based on several studies conducted by world-class organizations like the American Association of Homes and Services for the Aging, American Seniors Housing Association, Assisted Living Federation of American, National Center for Assisted Living, and National Investment Center for the Seniors Housing & Care Industry and data from the 2010 National Survey of Residential Care Facilities. The National Center for Health Statistics.

2030 Estimated Total	5,490			
Age 65 - 74	688	12.53%	230	50.22%
Age 75 - 84	551	10.04%	276	100.36%
Age 85 - 89	168	3.06%	53	46.09%
Age 100+	3	0.05%	1	50.00%
Age 65 and over	1,410	25.68%	560	65.88%

Basic Assumptions from SMFP shows need for Hyde County

The applicants understand and recognize the long-standing support of the Long-Term and Behavioral Health Committee and the State Health Coordinating Council with respect to petitions for adjusted need determinations. The Applicants understand that, in 2012, approval of the Meridian Senior Living petition was needed to combine Hyde and Tyrrell in order for a functionally feasible and economically rational facility to be built. At the time, there were 30 beds allocated to Hyde County and 20 beds allocated to Tyrrell. Combining them into a financially feasible single service with a 50 bed need determination allowed an operator adequate profit margins. However, the Applicants are now realizing that the residents of Hyde County are still missing out on close proximity assisted living care. Therefore, the Applicants used population data taken from Nielsen Claritas pop-facts data to display the 2019 proposed SMFP Table 11B: Adult Care Home Need Projections for 2022 of just Hyde County. See Table 9 below.

Table 9: Hyde County Projected Data using Table 11B of 2019 SMFP

Service Area	Projected 2022 Population				
	Under 35	Age 35-64	Age 65-74	Age 75-84	Age 85 and up
Hyde	2,099	2,193	698	318	133
Projected 2022 Bed Utilization (Rounded)					Projected Bed Utilization Summary
<35	35-64	65-74	75-84	85+	
0	3	4	6	10	23
Currently Licensed	# License Pending	Exclusions	Planning Inventory	Surplus/Deficit	Beds Needed
0	0	0	0	-23	23

As you can see, Hyde County has a deficit of 23 beds. The Applicants are taking into account that some residents may live on county lines of Tyrrell or Beaufort, and have requested there only be a need determination of 23 beds added to the 2019 SMFP.

Community Support

Community support for assisted living in Hyde County is extremely strong. Cross Creek has received letters of support from: Kris Noble, Assistant County Manager and Director of Economic Development and Planning, Luana Gibbs, Interim Health Director for the Hyde County Health Department, Earl Pugh, Jr., Chair of the Board of Commissioners, and Geraldine Weatherly, Nursing Home Administrator for Cross Creek Health Care Center. These people, in conjunction with their agencies, know of the great need for local access to assisted living services for residents of Hyde County.

In addition, Liberty has also received abundant support from other local leaders and organizations, all expressing their strong support for the proposed project in Hyde County. These organizations and individuals understand the great local demand for assisted living services, and recognize the need for improved access to these services in Hyde County. Please see Attachment 4 regarding letters of support we have received.

Adverse Effects if No Adjustment to the Need Determination

If this petition is not approved, the need for assisted living in Hyde County will remain unmet. Residents will have to continue to rely on out of county facilities, most over 45 miles away. Additionally, the population of persons age 65 and older is projected to increase at an astounding 66% between 2010 and 2030. This is important to note because, as stated before, approximately 89% of assisted living residents were 65 years of age or older.

Given the projected population growth in Hyde County among older adults and the lack of adult care home beds located in Hyde County, it would be practical to approve an adjusted need determination for an additional hospice home care agency in Hyde County in the 2019 SMFP.

Alternatives to the Proposed Adjustment

The following alternatives were considered:

1. Maintain the Status Quo. Maintaining the status quo puts Hyde County at risk of not receiving assisted living services. This alternative was quickly dismissed.
2. Petition for an adjusted need determination. The project presented in this application is the most appropriate solution to the need for assisted living services in the service area. If this petition was approved, Cross Creek is prepared to pursue a CON in 2019 to provide high quality, accessible assisted living services to the growing elderly patient population in Hyde County. Please see the reasons for the proposed adjustment above.

Evidence of Non-duplication Services

The approval of this petition would not result in unnecessary duplication of assisted living services in Hyde County for the following reasons:

- There is currently not an ACH facility located in Hyde County
- Tyrrell House is located at the top of Tyrrell County, almost an hour away from all major Hyde County Townships

- Hyde Counties senior population is expected to exponentially grow, therefore causing a need for additional assisted living

Safety and Quality, Access and Value

The requested adjustment is consistent with the three Basic Principles governing the development of the North Carolina State Medical Facilities Plan: Safety and Quality, Access and Value.

Safety and Quality

Liberty Home Care was established in North Carolina in 1994 with the formation of Liberty Home Care, LLC. Today, Liberty Home Care provides home care services from offices in 27 locations and hospice services from 21 locations covering various urban and rural counties in North Carolina, South Carolina and Virginia.

Approval of this petition would allow Liberty to apply for CON approval of a hospice agency in Hyde County. The safety and quality policies and procedures currently followed by Liberty Home Care would continue for those served in Hyde County. Liberty places a strong focus on the performance improvement and patient safety and makes every effort to ensure safe, positive patient outcomes and process standardization across the organization.

Access

As stated before, there is currently not an ACH facility located in Hyde County. Approval of this petition would allow Hyde County residents assisted living services within their inhabited county. They would not have to rely on out-of-county facilities. Furthermore, Cross Creek has and will continue to serve any person without regard to age, sex, race, color, religion, or national origin.

Value

Liberty's current skilled nursing facility in Hyde County would be the CON applicant should this petition be approved. Therefore, this will create the most cost effective solution for developing the proposed additional ACH beds, as this SNF facility is already established and asserted within the community. Furthermore, Cross Creek balances high quality care with cost savings initiatives as evidenced by the company's ability to continue to provide quality care while maneuvering through today's challenging healthcare world. The experience of the owners and the management team, as well as the strong support for its employees, indicate that Cross is well qualified to provide ACH services to Hyde County residents.

Liberty works continually to optimize value and outcomes through the quality, efficiency, and effectiveness of everything we do. Our foremost obligation is to achieve the goals of our customers by devising and delivering high quality health care to each individual served.

Conclusion

To conclude, Liberty Commons Nursing and Rehab Center of Hyde County, LLC, d/b/a Cross Creek Health Care ("Cross Creek") seeks to expand adult care home services in Hyde County and petitions for an adjusted need determination for 23 adult care home beds in Hyde County in

the 2019 SMFP. This petition has identified various circumstances in Hyde County that necessitate the development of these 23 ACH beds. Liberty respectfully requests the Long-Term and Behavioral Health Committee and the State Health Coordinating Council include a need determination for an additional 23 ACH beds in Hyde County in the 2019 SMFP.

<https://www2.ncdhhs.gov/dhsr/mfp/pets/2012/petitions.html> - 2012 Petitions

https://www2.ncdhhs.gov/dhsr/mfp/pets/2012/fbhl70302-hydc_ach.pdf - Meridian Petition

<https://www2.ncdhhs.gov/DHSR/conced/decisions/archive2013.html> - Tyrrell House CON

https://www2.ncdhhs.gov/dhsr/mfp/pets/2012/fbhl70813-hydc_adjust.pdf - adjusted need determination